

1 The Honorable Marsha J. Pechman
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
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14 Felix RUBIO HERNANDEZ,
15 Plaintiff,
16 v.
17 U.S. CITIZENSHIP AND IMMIGRATION
18 SERVICES; Alejandro MAYORKAS,
19 Secretary of Homeland Security; Ur M.
20 JADDOU, Director, U.S. Citizenship and
21 Immigration Services,
22 Defendants.
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24 Case No. 2:22-cv-00904-MJP

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5 **STIPULATED MOTION AND ORDER**
6 **TO PRODUCE ADMINISTRATIVE**
7 **RECORD AND SET BRIEFING**
8 **DEADLINES**

9 Noting Date: January 25, 2023

10 Pursuant to Local Civil Rule 7(d)(1), Plaintiff Felix Rubio Hernandez and Defendants
11 U.S. Citizenship and Immigration Services, Alejandro Mayorkas, and Ur M. Jaddou stipulate and
12 request that the Court enter an order setting deadlines to produce the administrative record and to
13 exchange cross-motions for summary judgment.

14 The parties agree that the initial disclosure requirements of Rule 26(a)(1) and the
15 requirements of Rule 26(f), which instructs the parties to prepare a discovery plan, do not apply
16 to this case. Plaintiff filed his complaint under the Administrative Procedure Act, and
17 accordingly, Defendants agree to produce to Plaintiff the administrative record on which the
18 agency decision was based. *See 5 U.S.C. § 706; see also Nw. Coal. for Alternatives to Pesticides*

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24 STIP. MOT. AND ORDER
TO PRODUCE ADMIN. RECORD AND
SET BRIEFING DEADLINES - 1
Case No. 2:22-cv-00904-MJP

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Avenue, Suite 400
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1 *v. U.S. E.P.A.*, 920 F. Supp. 2d 1168, 1172 (W.D. Wash. 2013).¹ Furthermore, because the Court
2 will render any decision on the administrative record, the parties agree that no trial or pre-trial
3 scheduling dates are necessary and that the Court can resolve the matter based on the record. *See*
4 *Nw. Motorcycle Ass'n v. U.S. Dep't of Agric.*, 18 F.3d 1468, 1472 (9th Cir. 1994).

5 Accordingly, the parties propose the following schedule:

6 Defendants' deadline for producing the administrative record:

7 March 3, 2023

8 Schedule for cross-motions for summary judgment:

9 Plaintiff's motion for summary judgment: May 12, 2023

10 Defendants' response and cross-motion for summary judgment: June 9, 2023

11 Plaintiff's response to Defendants' cross-motion for summary judgment and reply
12 in support of motion for summary judgment: July 7, 2023

13 Defendants' reply in support of cross-motion for summary judgment: July 21,
14 2023.

Respectfully submitted this 25th day of January, 2023.

15 s/ Matt Adams

Matt Adams, WSBA No. 28287

16 s/ Aaron Korthuis

Aaron Korthuis, WSBA No. 53974

17 s/ Michael Hur

Michael Hur, WSBA No. 59084

18 s/ Mozhdeh Oskouian

Mozhdeh Oskouian, WSBA No. 36789

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23 ¹ Plaintiff reserves the right to seek a complete administrative record or move for discovery if he believes the record
24 is incomplete or another exception permitting discovery in an APA case applies. *See Lands Council v. Powell*, 395
F.3d 1019, 1030 (9th Cir. 2005).

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18 *Attorney for Defendants*

ORDER

Pursuant to the Parties' stipulated motion, the Court hereby ORDERS that the Court's order regarding initial disclosures, joint status report, and early settlement, Dkt. 4, is hereby vacated. The Court orders the following deadlines for production of the administrative record and the exchange of cross-motions for summary judgment:

Defendants' deadline for producing the administrative record:

March 3, 2023

Schedule for cross-motions for summary judgment:

Plaintiff's motion for summary judgment: May 12, 2023

Defendants' response and cross-motion for summary judgment: June 9, 2023

Plaintiff's response to Defendants' cross-motion for summary judgment and reply in support of motion for summary judgment: July 7, 2023

Defendants' reply in support of cross-motion for summary judgment: July 21, 2023.

IT IS SO ORDERED.

Dated this 27th day of January, 2023.

Wasson, Releman

Marsha J. Pechman
United States Senior District Judge

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system.

DATED this 25th day of January, 2023.

s/ Aaron Korthuis
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STIP. MOT. AND ORDER
TO PRODUCE ADMIN. RECORD AND
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